

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MARY SMITH, JULIE JOHNSON, JANE
ANDERSON, and ELIZABETH BROWN,
Plaintiffs,

v.

ROBERTS WESLEYAN COLLEGE, MICHAEL
BROBERG, AND SAMSON W. MCCRADY,

Defendants.

Case No.: 6:23-cv-06263-EAW

**ANSWER AND DEFENSES TO
PLAINTIFFS' COMPLAINT**

Defendants, Roberts Wesleyan College (the “College”) and Michael Broberg (collectively “Defendants”), by and through their attorneys, Jackson Lewis P.C., hereby submit their Answer and Defenses to Plaintiffs’ Complaint (“Complaint”), dated May 11, 2023, as follows. Any allegation not specifically admitted herein is denied.

AS TO “INTRODUCTION”

1. Defendants deny the allegations in Paragraph 1, except admit that Plaintiffs purport to bring claims under the statutes cited in Paragraph 1.
2. Defendants deny the allegations in Paragraph 2.
3. Defendants deny the allegations in Paragraph 3, including subparagraphs (A) through (D).
4. Defendants deny the allegations in Paragraph 4.
5. Defendants deny the allegations in Paragraph 5.
6. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 6.
7. Defendants deny the allegations in Paragraph 7.

8. Defendants deny the allegations in Paragraph 8.

9. Defendants aver that the College's policies speak for themselves. To the extent the allegations in Paragraph 9 are inconsistent with or mischaracterize such documents, they are denied.

10. Defendants aver that the College's policies speak for themselves. To the extent the allegations in Paragraph 10 are inconsistent with or mischaracterize such documents, they are denied.

11. Defendants deny the allegations in Paragraph 11.

12. Defendants deny the allegations in Paragraph 12, including subparagraphs (A) through (C).

AS TO "JURISDICTION AND PARTIES"

13. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 13.

14. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 14.

15. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 15.

16. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 16.

17. Defendants admit the allegations in Paragraph 17.

18. Defendants admit the allegations in Paragraph 18.

19. Paragraph 19 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants admit the allegations in Paragraph 19.

20. Paragraph 20 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants admit the allegations in Paragraph 20.

21. Paragraph 21 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants admit the allegations in Paragraph 21.

22. Defendants deny the allegations in Paragraph 22, except state that Plaintiffs purport jurisdiction is proper.

23. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 23.

24. Defendants deny the allegations in Paragraph 24.

25. Defendants deny the allegations in Paragraph 25, except state that Plaintiffs purport jurisdiction is proper.

26. Defendants deny the allegations in Paragraph 26, except state that Plaintiffs purport jurisdiction is proper.

27. Defendants deny the allegations in Paragraph 27, except state that Plaintiffs purport venue is proper.

AS TO “Adult Survivors Act”

28. Defendants deny the allegations in Paragraph 28, except admit that Plaintiffs purport to bring claims under the statute cited in Paragraph 28.

29. Paragraph 29 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 29.

30. Paragraph 30 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 30.

31. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 31.

32. Defendants deny the allegations in Paragraph 32.

33. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 33.

34. Defendants aver that the College's policies speak for themselves. To the extent the allegations in Paragraph 34 are inconsistent with or mischaracterize such documents, they are denied.

35. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 35.

36. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 36.

37. Paragraph 37 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 37.

38. Paragraph 38 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 38.

39. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 39.

40. Defendants aver that the College's policies speak for themselves. To the extent the allegations in Paragraph 40 are inconsistent with or mischaracterize such documents, they are denied.

41. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 41.

42. Defendants aver that the College's policies speak for themselves. To the extent the allegations in Paragraph 42 are inconsistent with or mischaracterize such documents, they are denied.

43. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 43.

44. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 44.

45. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 45.

46. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 46.

47. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 47.

48. Paragraph 48 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 48.

49. Paragraph 49 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 49.

50. Paragraph 50 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 50.

**AS TO "BACKGROUND FACTS AND CIRCUMSTANCES
PLAINTIFF SMITH"**

51. Defendants aver that the College's policies speak for themselves. To the extent the allegations in Paragraph 51 are inconsistent with or mischaracterize such documents, they are denied.

52. Defendants aver that the College's policies speak for themselves. To the extent the allegations in Paragraph 52 are inconsistent with or mischaracterize such documents, they are denied.

53. Defendants aver that the College's policies speak for themselves. To the extent the allegations in Paragraph 53 are inconsistent with or mischaracterize such documents, they are denied.

54. Defendants aver that the College's policies speak for themselves. To the extent the allegations in Paragraph 54 are inconsistent with or mischaracterize such documents, they are denied.

55. Defendants aver that the College's policies speak for themselves. To the extent the allegations in Paragraph 55 are inconsistent with or mischaracterize such documents, they are denied.

56. Paragraph 56 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 56.

57. Defendants aver that the College's policies speak for themselves. To the extent the allegations in Paragraph 57 are inconsistent with or mischaracterize such documents, they are denied.

58. Defendants aver that the College's policies speak for themselves. To the extent the allegations in Paragraph 58 are inconsistent with or mischaracterize such documents, they are denied.

59. Defendants deny the allegations in Paragraph 59.

AS TO “Admission to Roberts”

60. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 60.

61. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 61.

62. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 62.

63. Paragraph 63 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 63.

64. Paragraph 64 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 64.

65. Paragraph 65 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 65.

66. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 66.

67. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 67.

68. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 68.

69. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 69.

AS TO “Harassment and Stalking”

70. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 70.

71. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 71.

72. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 72.

73. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 73.

74. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 74.

75. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 75.

76. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 76.

77. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 77.

78. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 78.

79. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 79.

80. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 80, including subparagraphs (A) through (C).

81. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 81.

AS TO “Reporting to Roberts”

82. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 82.

83. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 83.

84. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 84.

85. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 85.

86. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 86.

87. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 87.

88. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 88.

89. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 89.

90. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 90.

91. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 91.

92. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 92.

93. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 93.

94. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 94.

95. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 95.

96. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 96.

AS TO “Post Report Harassment”

97. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 97.

98. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 98.

99. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 99.

100. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 100.

101. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 101.

102. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 102.

103. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 103.

104. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 104.

105. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 105.

106. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 106.

107. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 107.

108. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 108.

109. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 109.

110. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 110.

111. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 111.

112. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 112.

113. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 113.

114. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 114.

115. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 115.

116. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 116.

117. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 117.

118. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 118.

AS TO “Impact”

119. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 119.

120. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 120.

121. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 121.

122. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 122.

123. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 123.

124. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 124.

125. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 125.

**AS TO “BACKGROUND FACTS AND CIRCUMSTANCES
PLAINTIFF JOHNSON”**

126. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 126, except admit that Plaintiff Johnson attended the College in 2014 and 2015.

127. Paragraph 127 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 127.

128. Paragraph 128 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 128.

129. Paragraph 129 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 129.

130. Defendants aver that the College’s policies speak for themselves. To the extent the allegations in Paragraph 130 are inconsistent with or mischaracterize such documents, they are denied.

131. Defendants aver that the College’s policies speak for themselves. To the extent the allegations in Paragraph 131 are inconsistent with or mischaracterize such documents, they are denied.

132. Defendants aver that the College’s policies speak for themselves. To the extent the allegations in Paragraph 132 are inconsistent with or mischaracterize such documents, they are denied.

133. Defendants aver that the College's policies speak for themselves. To the extent the allegations in Paragraph 133 are inconsistent with or mischaracterize such documents, they are denied.

134. Paragraph 134 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 134.

135. Defendants aver that the College's policies speak for themselves. To the extent the allegations in Paragraph 135, including subparagraphs (A) through (D) are inconsistent with or mischaracterize such documents, they are denied.

136. Paragraph 136 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 136.

AS TO "Admission to Roberts"

137. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 137.

138. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 138.

139. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 139.

140. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 140.

141. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 141.

142. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 142.

143. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 143.

144. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 144.

AS TO “Assault”

145. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 145.

146. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 146.

147. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 147.

148. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 148.

149. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 149.

150. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 150.

151. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 151.

152. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 152.

153. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 153.

154. Paragraph 154 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 154.

155. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 155.

156. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 156.

AS TO “Aftermath of Assault”

157. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 157.

158. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 158.

159. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 159.

160. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 160.

161. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 161.

162. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 162.

163. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 163.

164. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 164.

165. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 165.

166. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 166.

167. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 167.

168. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 168.

169. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 169.

AS TO “Reporting to Roberts”

170. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 170.

171. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 171.

172. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 172.

173. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 173.

174. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 174.

175. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 175.

176. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 176.

177. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 177.

178. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 178, except admit that Plaintiff Johnson made a Title IX Complaint on or about November 10, 2015.

179. Defendants aver that the document speaks for itself. To the extent the allegations in Paragraph 179 are inconsistent with or mischaracterize such document, they are denied.

180. Defendants aver that the document speaks for itself. To the extent the allegations in Paragraph 180 are inconsistent with or mischaracterize such document, they are denied.

181. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 181.

182. Defendants aver that the document speaks for itself. To the extent the allegations in Paragraph 182 are inconsistent with or mischaracterize such document, they are denied.

183. Paragraph 183 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 183.

184. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 184.

185. Defendants aver that the document speaks for itself. To the extent the allegations in Paragraph 185 are inconsistent with or mischaracterize such document, they are denied.

186. Defendants aver that the document speaks for itself. To the extent the allegations in Paragraph 186 are inconsistent with or mischaracterize such document, they are denied.

187. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 187.

188. Defendants aver that the document speaks for itself. To the extent the allegations in Paragraph 188 are inconsistent with or mischaracterize such document, they are denied.

189. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 189.

190. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 190.

191. Paragraph 191 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 191.

192. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 192.

193. Paragraph 193 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 193.

AS TO “Post Report Harassment”

194. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 194.

195. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 195.

196. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 196.

197. Paragraph 197 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 197.

198. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 198.

199. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 199.

200. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 200.

201. Paragraph 201 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 201.

202. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 202.

203. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 203.

204. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 204.

205. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 205.

206. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 206.

207. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 207.

208. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 208.

209. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 209.

210. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 210.

211. Paragraph 211 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 211.

212. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 212.

AS TO “Outcome Letter”

213. Defendants aver that the document speaks for itself. To the extent the allegations in Paragraph 213 are inconsistent with or mischaracterize such document, they are denied.

214. Paragraph 214 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 214.

215. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 215.

216. Defendants aver that the document speaks for itself. To the extent the allegations in Paragraph 216 are inconsistent with or mischaracterize such document, they are denied.

217. Defendants aver that the document speaks for itself. To the extent the allegations in Paragraph 217 are inconsistent with or mischaracterize such document, they are denied.

218. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 218.

219. Defendants aver that the document speaks for itself. To the extent the allegations in Paragraph 219 are inconsistent with or mischaracterize such document, they are denied.

220. Paragraph 220 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 220.

221. Paragraph 221 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 221.

AS TO “Impact”

222. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 222.

223. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 223.

224. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 224.

225. Defendants deny the allegations in Paragraph 225, except admit that Defendant McCrady graduated from the College.

226. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 226.

227. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 227.

AS TO “BACKGROUND FACTS AND CIRCUMSTANCES
PLAINTIFF BROWN”

228. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 228.

229. Paragraph 229 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 229.

230. Paragraph 230 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 230.

231. Paragraph 231 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 231.

232. Defendants aver that the College’s policies speak for themselves. To the extent the allegations in Paragraph 232 are inconsistent with or mischaracterize such documents, they are denied.

233. Defendants aver that the College’s policies speak for themselves. To the extent the allegations in Paragraph 233 are inconsistent with or mischaracterize such documents, they are denied.

234. Defendants aver that the College’s policies speak for themselves. To the extent the allegations in Paragraph 234 are inconsistent with or mischaracterize such documents, they are denied.

235. Defendants aver that the College’s policies speak for themselves. To the extent the allegations in Paragraph 235 are inconsistent with or mischaracterize such documents, they are denied.

236. Defendants aver that the College's policies speak for themselves. To the extent the allegations in Paragraph 236 are inconsistent with or mischaracterize such documents, they are denied.

237. Defendants aver that the College's policies speak for themselves. To the extent the allegations in Paragraph 237, including subparagraphs (A) through (D), are inconsistent with or mischaracterize such documents, they are denied.

238. Paragraph 238 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 238.

AS TO "Admission to Roberts"

239. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 239.

240. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 240.

241. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 241.

242. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 242.

AS TO "Assault"

243. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 243.

244. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 244.

245. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 245.

246. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 246.

247. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 247.

248. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 248.

249. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 249.

250. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 250.

251. Paragraph 251 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 251.

252. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 252.

253. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 253.

254. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 254.

255. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 255.

AS TO “Aftermath of Assault”

256. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 256.

257. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 257.

258. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 258.

AS TO “Reporting to Roberts”

259. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 259.

260. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 260.

261. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 261.

262. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 262.

263. Paragraph 263 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 263.

264. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 264.

265. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 265.

266. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 266.

267. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 267.

268. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 268.

AS TO “Post Report Harassment”

269. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 269.

270. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 270.

271. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 271.

272. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 272.

273. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 273.

274. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 274.

275. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 275.

276. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 276.

AS TO “Impact”

277. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 277.

278. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 278.

279. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 279.

280. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 280.

281. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 281.

282. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 282.

283. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 283.

284. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 284.

285. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 285.

286. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 286.

AS TO “BACKGROUND FACTS AND CIRCUMSTANCES
PLAINTIFF ANDERSON”

287. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 287, except admit that Plaintiff Anderson attended the College between 2013 and 2018.

288. Paragraph 288 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 288.

289. Paragraph 289 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 289.

290. Paragraph 290 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 290.

291. Defendants aver that the College’s policies speak for themselves. To the extent the allegations in Paragraph 291 are inconsistent with or mischaracterize such documents, they are denied.

292. Defendants aver that the College’s policies speak for themselves. To the extent the allegations in Paragraph 292 are inconsistent with or mischaracterize such documents, they are denied.

293. Defendants aver that the College’s policies speak for themselves. To the extent the allegations in Paragraph 293 are inconsistent with or mischaracterize such documents, they are denied.

294. Defendants aver that the College's policies speak for themselves. To the extent the allegations in Paragraph 294 are inconsistent with or mischaracterize such documents, they are denied.

295. Defendants aver that the College's policies speak for themselves. To the extent the allegations in Paragraph 295 are inconsistent with or mischaracterize such documents, they are denied.

296. Defendants aver that the College's policies speak for themselves. To the extent the allegations in Paragraph 296, including subparagraphs (A) through (D), are inconsistent with or mischaracterize such documents, they are denied.

297. Paragraph 297 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 297.

298. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 298.

AS TO "Admission to Roberts"

299. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 299.

300. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 300.

301. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 301.

302. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 302.

303. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 303.

304. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 304.

305. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 305.

306. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 306.

307. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 307.

308. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 308.

309. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 309.

AS TO “Assaults”

310. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 310.

311. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 311.

312. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 312.

313. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 313.

314. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 314.

315. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 315.

316. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 316.

317. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 317.

318. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 318.

AS TO “Aftermath of Assaults”

319. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 319.

320. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 320.

321. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 321.

322. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 322.

323. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 323.

324. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 324.

AS TO “Reporting to Roberts”

325. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 325.

326. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 326.

327. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 327.

328. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 328.

329. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 329.

AS TO “Impact”

330. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 330.

331. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 331.

332. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 332.

333. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 333.

334. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 334.

335. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 335.

336. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 336, except admit that Plaintiff Anderson graduated from the College in December 2018.

337. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 337.

338. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 338.

AS TO “LEGAL ARGUMENTS
FIRST CAUSE OF ACTION
All Plaintiffs Against Defendant Roberts
Negligence”

339. Defendants’ responses to Paragraphs 1 through 338 are hereby incorporated by reference as their responses to Paragraphs 1 through 338 of the First Cause of Action section in response to Paragraph 339 of the Complaint.

340. Defendants deny the allegations in Paragraph 340.

341. Defendants aver that the College’s policies speak for themselves. To the extent the allegations in Paragraph 341, including subparagraphs (A) through (E), are inconsistent with or mischaracterize such documents, they are denied.

342. Paragraph 342 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 342.

343. Paragraph 343 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 343.

344. Paragraph 344 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 344, including subparagraphs (A) through (P).

345. Defendants deny the allegations in Paragraph 345.

346. Defendants deny the allegations in Paragraph 346.

AS TO “SECOND CAUSE OF ACTION
Plaintiffs Johnson, Anderson, and Brown Against Defendant Roberts
Negligent Supervision”

347. Defendants’ responses to Paragraphs 1 through 346 are hereby incorporated by reference as their responses to Paragraphs 1 through 346 of the Second Cause of Action section in response to Paragraph 347 of the Complaint.

348. Paragraph 348 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 348.

349. Paragraph 349 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 349.

350. Defendants deny the allegations in Paragraph 350, except admit that Defendant Broberg and Ms. Logan were employed by the College.

351. Paragraph 351 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 351.

352. Paragraph 352 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 352.

353. Paragraph 353 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 353.

354. Paragraph 354 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 354.

355. Paragraph 355 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 355.

356. Defendants deny the allegations in Paragraph 356.

357. Defendants deny the allegations in Paragraph 357.

AS TO “THIRD CAUSE OF ACTION
Deliberate Indifference Sexual Harassment
in Violation of Title IX, 20 U.S.C. § 1681, et seq.
Plaintiffs Johnson, Anderson, and Brown Against Defendant Roberts”

358. Defendants’ responses to Paragraphs 1 through 357 are hereby incorporated by reference as their responses to Paragraphs 1 through 357 of the Third Cause of Action section in response to Paragraph 358 of the Complaint.

359. Paragraph 359 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants admit the allegations in Paragraph 359.

360. Paragraph 360 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 360.

361. Paragraph 361 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 361.

362. Paragraph 362 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 362.

363. Defendants deny the allegations in Paragraph 363.

364. Defendants deny the allegations in Paragraph 364.

365. Paragraph 365 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 365.

366. Defendants deny the allegations in Paragraph 366.

367. Defendants deny the allegations in Paragraph 367.

368. Defendants deny the allegations in Paragraph 368.

AS TO “FOURTH CAUSE OF ACTION
All Plaintiffs Against Defendant Roberts
Hostile Work Environment Sex Discrimination
In Violation of Title IX Title IX, 20 U.S.C. § 1681, et seq.”

369. Defendants’ responses to Paragraphs 1 through 368 are hereby incorporated by reference as their responses to Paragraphs 1 through 368 of the Fourth Cause of Action section in response to Paragraph 369 of the Complaint.

370. Paragraph 370 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 362.

371. Paragraph 371 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 371, including subparagraphs (A) through (B).

372. Paragraph 372 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 372.

373. Paragraph 373 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 373.

374. Defendants deny knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 374.

375. Paragraph 375 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 375.

376. Paragraph 376 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 376.

377. Defendants deny the allegations in Paragraph 377.

378. Paragraph 378 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 378.

379. Defendants deny the allegations in Paragraph 379.

380. Defendants deny the allegations in Paragraph 380.

381. Defendants deny the allegations in Paragraph 381.

AS TO “FIFTH CAUSE OF ACTION
Sexual Harassment in Violation of New York Human Rights Law
All Plaintiffs Against Defendant Roberts”

382. Defendants’ responses to Paragraphs 1 through 381 are hereby incorporated by reference as their responses to Paragraphs 1 through 381 of the Fifth Cause of Action section in response to Paragraph 382 of the Complaint.

383. Paragraph 383 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants admit the allegations in Paragraph 383.

384. Paragraph 384 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 384.

385. Paragraph 385 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 385.

386. Paragraph 386 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 386.

387. Defendants deny the allegations in Paragraph 387.

388. Defendants deny the allegations in Paragraph 388.

389. Defendants deny the allegations in Paragraph 389.

390. Defendants deny the allegations in Paragraph 390.

AS TO “SIXTH CAUSE OF ACTION
Breach of Contract
Plaintiff Smith Against Defendant Roberts”

391. Defendants’ responses to Paragraphs 1 through 390 are hereby incorporated by reference as their responses to Paragraphs 1 through 390 of the Sixth Cause of Action section in response to Paragraph 391 of the Complaint.

392. Paragraph 392 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 392.

393. Paragraph 393 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 393.

394. Paragraph 394 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 394.

395. Paragraph 395 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 395.

396. Defendants aver that the College’s policies speak for themselves. To the extent the allegations in Paragraph 396 are inconsistent with or mischaracterize such documents, they are denied.

397. Paragraph 397 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 397.

398. Paragraph 398 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 398.

399. Paragraph 399 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 399.

400. Defendants deny the allegations in Paragraph 400.

401. Defendants deny the allegations in Paragraph 401.

AS TO “SEVENTH CAUSE OF ACTION
Breach of Contract
Plaintiffs Johnson, Brown, and Anderson Against Defendant Roberts”

402. Defendants’ responses to Paragraphs 1 through 401 are hereby incorporated by reference as their responses to Paragraphs 1 through 401 of the Seventh Cause of Action section in response to Paragraph 402 of the Complaint.

403. Paragraph 403 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 403.

404. Paragraph 404 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 404.

405. Paragraph 405 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 405, including subparagraphs (A) through (C).

406. Paragraph 406 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 406.

407. Paragraph 407 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 407.

408. Paragraph 408 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 408.

409. Defendants deny the allegations in Paragraph 409.

410. Defendants deny the allegations in Paragraph 410.

AS TO “EIGHTH CAUSE OF ACTION

Breach of Covenant of Good Faith and Fair Dealing
All Plaintiffs Against Defendant Roberts”

411. Defendants’ responses to Paragraphs 1 through 410 are hereby incorporated by reference as their responses to Paragraphs 1 through 410 of the Eighth Cause of Action section in response to Paragraph 411 of the Complaint.

412. Paragraph 412 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 412.

413. Paragraph 413 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 413.

414. Paragraph 414 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 414.

415. Defendants deny the allegations in Paragraph 415.

416. Defendants deny the allegations in Paragraph 416.

AS TO “NINTH CAUSE OF ACTION
Intentional Infliction of Emotional Distress
All Plaintiffs Against Defendant Roberts”

417. Defendants’ responses to Paragraphs 1 through 416 are hereby incorporated by reference as their responses to Paragraphs 1 through 416 of the Ninth Cause of Action section in response to Paragraph 417 of the Complaint.

418. Paragraph 418 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 418.

419. Paragraph 419 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 419.

420. Defendants deny the allegations in Paragraph 420.

421. Defendants deny the allegations in Paragraph 421.

422. Defendants deny the allegations in Paragraph 422.

AS TO “TENTH CAUSE OF ACTION
Estoppel and Reliance
All Plaintiffs Against Defendant Roberts”

423. Defendants’ responses to Paragraphs 1 through 422 are hereby incorporated by reference as their responses to Paragraphs 1 through 422 of the Tenth Cause of Action section in response to Paragraph 423 of the Complaint.

424. Paragraph 424 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 424.

425. Paragraph 425 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 425.

426. Paragraph 426 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 426.

427. Defendants deny the allegations in Paragraph 427.

428. Defendants deny the allegations in Paragraph 428.

AS TO “ELEVENTH CAUSE OF ACTION
Intentional Infliction of Emotional Distress
All Plaintiffs Against Defendant Broberg”

429. Defendants’ responses to Paragraphs 1 through 428 are hereby incorporated by reference as their responses to Paragraphs 1 through 428 of the Eleventh Cause of Action section in response to Paragraph 429 of the Complaint.

430. Defendants deny the allegations in Paragraph 430.

431. Paragraph 431 contains a legal conclusion to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 431.

432. Defendants deny the allegations in Paragraph 432.

433. Defendants deny the allegations in Paragraph 433.

434. Defendants deny the allegations in Paragraph 434.

AS TO “TWELFTH CAUSE OF ACTION
Intentional Infliction of Emotional Distress
Plaintiffs Johnson, Brown, and Anderson Against Defendant McCrady”

435. No response is required.

436. No response is required.

437. No response is required.

438. No response is required.

439. No response is required.

440. No response is required.

441. No response is required.

442. No response is required.

AS TO “PRAYER FOR RELIEF”

Defendants deny that Plaintiffs are entitled to any of the relief sought in the Wherefore clause including any of its subparagraphs, including (a) through (b).

AFFIRMATIVE AND OTHER DEFENSES¹

AS AND FOR A FIRST DEFENSE

Plaintiffs fail to state a cause of action upon which relief can be granted as a matter of fact and/or law or for which damages sought can be awarded.

¹ Defendants assert these defenses without assuming any burden of production or proof that they would not otherwise have.

AS AND FOR A SECOND DEFENSE

At all times relevant to Plaintiffs' Complaint, Defendants acted reasonably, and/or in good faith and has not violated any rights which may be secured to Plaintiffs under any federal, state, or local law, regulations, rule, or code.

AS AND FOR A THIRD DEFENSE

Plaintiffs' claims for damages are barred, in whole or in part, because Plaintiffs have failed to make sufficient efforts to mitigate their alleged damages.

AS AND FOR A FOURTH DEFENSE

The Complaint fails to state a claim, in whole or in part, upon which compensatory damages, punitive damages, or costs may be awarded.

AS AND FOR A FIFTH DEFENSE

No contract, agreement or covenant either verbal or written, express or implied, existed at any time between Plaintiffs and Defendants.

AS AND FOR A SIXTH DEFENSE

Plaintiffs' Title IX claims are barred because Defendants did not act with deliberate indifference.

AS AND FOR A SEVENTH DEFENSE

Defendants did not know or should not have known that, as a result of their conduct, Plaintiffs would suffer emotional distress.

AS AND FOR AN EIGHTH DEFENSE

To the extent that Plaintiffs have suffered any injury, which Defendants expressly deny, any such injury is the result of acts or omissions of Plaintiffs, and not any act or omission of Defendants.

AS AND FOR A NINTH DEFENSE

Plaintiffs' claims and/or recovery of damages are precluded to the extent Plaintiffs unreasonably failed to take advantage of preventive or corrective opportunities or to otherwise avoid the harm alleged in the Complaint.

AS AND FOR A TENTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, by the applicable statutes of limitations, or are otherwise untimely.

AS AND FOR AN ELEVENTH DEFENSE

Plaintiffs' claims, in whole or in part, are not revived by N.Y. C.P.L.R § 214-J.

AS AND FOR A TWELFTH DEFENSE

Plaintiffs' claims are barred, in whole or in part, by equitable principles, including, but not limited to, waiver, estoppel, laches, the after-acquired evidence doctrine, the unclean hands doctrine, and/or the election of remedies doctrine.

Defendants reserve the right to amend its Answer, to add additional or other defenses, to delete or withdraw defenses, and to add other claims as it may become necessary after reasonable opportunity for appropriate discovery.

WHEREFORE, Defendants respectfully request that this Court:

- a) Deny each and every demand, claim, and prayer for relief contained in the Complaint;
- b) Award to Defendants reimbursement for reasonable attorneys' fees and costs incurred in defending this meritless and vexatious action; and
- c) Grant such other and further relief that the Court may deem just and proper.

Dated: August 24, 2023
Albany, New York

*ATTORNEYS FOR DEFENDANTS
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MICHAEL BROBERG*

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CERTIFICATION OF SERVICE

I hereby certify that on August 24, 2023, a notice of this filing will be sent by e-mail to all Parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

/s/ Kristi Rich Winters

Kristi Rich Winters